

Minutes of Regular Meeting of June 11, 2013
One Twin Pines Lane, Belmont, CA

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Braunstein, Warden, Wozniak

COUNCILMEMBERS ABSENT: Lieberman

Staff Present: City Manager Scoles, City Attorney Rennie, Deputy Fire Chief Gaffney, Community Development Director de Melo, Human Resources Director Dino, Parks and Recreation Director Gervais, Public Works Director Oskoui, Finance Director Fil, Deputy Finance Director Lazzari, Information Services Director Mitchell, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Mayor Wozniak

PUBLIC COMMENTS AND ANNOUNCEMENTS

Dolly Goyal, Belmont Library, described a new wellness program for teens that has been funded through a grant. She outlined upcoming events and volunteer opportunities for teens.

Eric Reed, Belmont resident, announced that he has been appointed as a member of the County of San Mateo redistricting committee. He pointed out that Supervisory elections would now be determined by district rather than at large. He stated that public meetings were being held and he described the on-line mapping tool available.

Kristin Mercer, Belmont resident/Council appointee to PCC, provided an update from the recent PCC (Peninsula Cities Consortium) meeting which included construction and legal updates, as well as Caltrain's analysis of its electrification project.

Perry Kennan, Belmont resident, requested that the Mayor present a State of the City address. He noted that the proposed budget includes money for a citizen's poll. He expressed concerns regarding the condition of the City's streets and deferred maintenance needs. He has questions regarding funding for pensions.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Wozniak announced that the Summer Concert Series would begin on Sunday.

Verbal Report from City Manager (Item out of order on agenda)

City Manager Scoles introduced the new Information Services (IS) Director, Bill Mitchell. He thanked the IS staff for their efforts during the past year.

Information Services Director Mitchell thanked the IS staff for laying the groundwork for him. He expressed a desire to enhance the engagement of citizens.

City Manager Scoles stated that negotiations had been completed with Deleon Realty for the marketing of the City-owned property on Bishop Road.

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments (Item out of order on agenda)

Councilmember Warden reported that the members of the Blue Ribbon Task Force for South Bayside Waste Management Authority (SBWMA) have agreed that the SBWMA board should be comprised of elected officials. He noted that an amendment to the SBWMA agreement would be forthcoming.

CONSENT CALENDAR

Motion to Receive Monthly Financial Reports

Approval of Response to Grand Jury Report "Can We Talk? Law Enforcement and our Multilingual County"

Approval of Resolution 2013-054 of the City Council Authorizing the Issuance of Purchase Orders to Frank, Rimerman Consulting, in the Amount of \$21,591 per Year for the Next Three Years, for the Annual Support and Maintenance of the City's Financial Software

Approval of Resolution 2013-055 of the City Council in Support of the One Bay Area Grant (OBAG) Application for the Ralston Avenue Pedestrian Route Improvement Project in the Amount of \$250,000

Approval of Resolution 2013-056 of the City Council in Support of the One Bay Area Grant (OBAG) Application for the Old County Road Bike and Pedestrian Improvement Project in the Amount of \$270,000

Approval of Resolution 2013-057 of the City Council Authorizing a Purchase of a Tire Changer from Myers Tire Supply for an Amount not to Exceed \$9,259.55

Approval of Resolution 2013-058 of the City Council Establishing 5-Foot of No Parking Zone on Both Sides of Driveway at Apartment Complex located at 1633 Sixth Avenue

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved by a show of hands (4-0, Lieberman absent).

HEARINGS

Public Hearing to Consider Proposed Budget for Fiscal Year 2014

Finance Director Fil noted that budget discussions have been ongoing since the mid-year Budget review in February. He explained that the Finance Commission unanimously recommended approval of the Budget as proposed. He provided a recap of fund balances, and outlined the sources of revenue. He pointed out that General Fund reserves are increasing, and expenditures continue to be controlled. He explained that the appropriations limit outlines the maximum expenditures. He noted that every fee has been reviewed in the Master Revenue schedule, and he clarified that not all fees include cost recovery. He stated that staff concurs with the Finance Commission's eight recommendations.

Councilmember Feierbach commented regarding tree removal fees. She pointed out that the previous tree ordinance did not include a charge for the removal of certain unwanted species of trees. Parks and Recreation Director Gervais explained that the Tree Board selected the rate based on the fact that a large tree has value regardless of species. He noted that the differential in tree removal fees is based on property maintenance versus development. He pointed out that tree replacement is required when a tree is removed, otherwise a fee applies.

Mayor Wozniak expressed the need to clarify tree removal fees. She pointed out that some properties contain excessive trees. She suggested discretion for waiving replacement. She noted that the fees are high for property development if many trees are to be removed.

Community Development Director de Melo stated that the Tree Board recommended the reduction of tree removal fees. He pointed out that tree replacement is at the discretion of staff for property maintenance applications.

Discussion ensued regarding facility rental fees and the application of those fees to the various types of groups. Mayor Wozniak suggested that the definition of the various groups be included in the schedule.

Parks and Recreation Director Gervais expressed concern that the maintenance portion of the library fund is insufficient to cover ongoing costs.

In response to Councilmember Braunstein, Parks and Recreation Director Gervais stated that the recreation subsidy policy was last reviewed in 2006. Finance Director Fil stated that there is an ongoing effort to review the subsidy. Councilmember Braunstein stated that the City Council should be involved in the discussions to address philosophy and policy.

Discussion ensued.

Councilmember Warden stated that some programs should be subsidized as cost recovery will never be realized, and the City Council made a commitment to provide these programs to the community.

Councilmember Braunstein expressed a desire to focus on the capital improvement program. He expressed concerns regarding roads and suggested setting aside funds for future traffic mitigation needs. Mayor Wozniak concurred regarding the need to address infrastructure.

Discussion ensued regarding a community survey regarding infrastructure needs.

Mayor Wozniak opened the Public Hearing.

Christina Fonseca, Belmont property owner, stated that the Tree Board was helpful in addressing tree removal fees, but she noted that the fees are still excessive. She recommended a flat \$75 fee regardless of whether the removal is for maintenance or development.

Perry Kennan, Belmont resident, spoke regarding the Grand Jury report on finance reporting in San Mateo County. He stated that the City of Belmont is spending more than its income and there is no footnote in the Budget to explain this. He suggested that there should be a separate discussion regarding the fees, and there is a need to communicate regarding budget needs.

Finance Director Fil explained that more information will be included in the final budget. He explained that the new accounting procedures will include unfunded liabilities. He pointed out that

few cities provide the same monthly financial reports that Belmont does, and Belmont's financial and audit reports are published earlier than other cities.

In response to Mayor Wozniak, Finance Director Fil stated that the redirecting of property tax revenues to schools could affect the City's financial status. He described the due diligence review of former Redevelopment Agency expenditures currently being performed by the Department of Finance.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Warden, the Public Hearing was unanimously closed by a show of hands (4-0, Lieberman absent).

Councilmember Warden stated that the City of Belmont is in good financial condition, better than other cities. He thanked staff and the Finance Commission for their efforts. He stated that the \$250,000 monies set aside for priorities, as well as the reserve policy, needs further discussion. He would also like to further discuss fees. He expressed support for elimination of some tree fees.

Councilmember Braunstein stated that the Audit Committee has discussed budget policies and he stated it would be helpful to include these in the Budget document.

ACTION: Councilmember Warden made a motion to set the tree removal fee at \$75 for all tree removals.

Finance Director Fil recommended referring this matter to the Tree Board. He suggested that the fee schedule could be adopted as presented and revised at a later date.

Mayor Wozniak expressed a desire to address facilities use fees.

ACTION: Councilmember Warden amended his motion, seconded by Councilmember Braunstein, to adopt all budget resolutions and to change the tree fee to \$75 for acacia, pine and eucalyptus.

ACTION: Mayor Wozniak requested a friendly amendment to include an amendment to the facility use fee to include the facility use policy and definitions. Councilmembers Warden and Braunstein accepted the friendly amendment. By a show of hands (4-0, Lieberman absent), the following resolutions were adopted:

Resolution 2013-059 Adopting the Proposed FY 2013-2014 Base Budget Revenue, Appropriations, Capital Improvement Program Budgets and Permanent Staffing Plan for the City of Belmont.

Resolution 2013-060 Establishing the Appropriations Limit FY 2013-2014 for the City of Belmont.

Resolution 2013-061 Making FY 2013-2014 Amendments to the Master Revenue Schedule (as amended)

Resolution 2013-062 Establishing the Annual special Tax for Community Facilities District No. 2000-1 (Library Project) for FY 2013-2014 and Requesting that the County of San Mateo Collect the Special Tax on the Real Estate Tax Rolls.

Council concurred to schedule a future discussion regarding the facilities use fees.

RECESS: 9:20 P.M.

RECONVENE: 9:35 P.M.

Public Hearing of the City Council to Consider 1) the FY 13/14 Annual Report of Charges Used for the City's National Pollutant Discharge Elimination System (NPDES) Program 2) Continued Imposition and Collection of Basic and Additional Charges on the Tax Roll to Fund the FY 13/14 Countywide NPDES General Program

City Manager Scoles stated that the staff report would be presented at the Public Hearing to be held on June 25, 2013.

Mayor Wozniak opened the Public Hearing.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Public Hearing was unanimously continued to June 25, 2013, by a show of hands (4-0, Lieberman absent).

OTHER BUSINESS

Consideration of a Resolution Exercising the Option for the Final Two Years of the Five Year Contract with Redflex Traffic Systems for Automated Red Light Photo Enforcement Services (continued from May 14, 2013)

Police Chief DeSmidt stated that this matter was continued from the May 14th meeting in order to obtain additional information from the vendor regarding their legal issues. He noted that staff met with representatives from Redflex, and a letter from their CEO to the City Council addressed changes made in their business practices. He explained that the contract had been extended for 30 days to July 1st.

Jim Saunders, Vice President of Redflex, stated that none of the company's 350+ employees were involved in the issue in the Chicago office. He pointed out that how a company reacts to issues defines its character. He noted that the company has implemented policies and audit procedures which has become a model for competitors.

Wade Lechyn, Belmont resident, stated that the program violates State law and he was able to get his red light camera ticket dismissed. He stated that he recognizes that driver behavior might be changed with the presence of cameras, but the cameras are not welcoming. He pointed out that the fine is the same regardless of traffic conditions, since they operate on a 24/7 basis.

Susan Steffen, San Francisco resident, stated that the City of Belmont is outsourcing police services since the ticket is issued in Arizona. She noted that there is no way to fight the ticket and the money is going to a private vendor.

Brian Coker stated that the fine is excessive and is an immoral way to generate revenue. He stated he does not support a private company receiving the revenue, nor does he support the issuance of

a fine for a rolling red light violation. He expressed concerns regarding how the technology will be used.

Perry Kennan, Belmont resident, stated that 60 percent of the revenue goes outside of Belmont and 40 percent of the tickets get thrown out. He expressed support for using a police officer for enforcement.

Ray Moreno, Belmont resident, expressed his opposition to the contract. He stated that rear end accidents could result from the program, for which the City could be held liable. He suggested generating revenue by citing for pedestrian violations.

Councilmember Warden described his experience with receiving a red light citation. He noted there is no cause and effect with the camera program, and there is no human interaction with the issuance of the ticket. He stated that the accident rate has not been reduced since the installation of the cameras. He pointed out that the money is going to the State, the County, and a private company. He explained that speed is an issue on El Camino, not on Ralston Avenue. He does not want people to feel unwelcome in Belmont.

In response to Councilmember Braunstein, City Attorney Rennie clarified that the City cannot consider the economic benefit of having a red light camera program beyond cost recovery. Police Chief DeSmidt explained that when making a determination whether or not to issue the citation, the same standard is used as if an officer had issued the ticket. He pointed out that 40 percent of potential citations are discarded before they are issued. He noted that traffic enforcement is a priority, and the red light camera program has enabled officers to be used for other duties. He stated that Ralston Avenue and El Camino Real is a difficult intersection to enforce.

Councilmember Feierbach stated that she is not interested in continuing with the program as it is unfriendly. She pointed out that she originally supported the program.

Mayor Wozniak stated that she originally supported the program for pedestrian safety. She suggested that the yellow and green light timing be increased. She noted that Redflex is unable to provide an appropriate response to issues that go back many years, and there is no evidence that safety is improved with the use of the cameras.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Warden, and approved by a show of hands (3-1, Braunstein no, Lieberman absent) not to renew the contract with Redflex.

ADJOURNMENT at this time, being 10:15 p.m.

Terri Cook
City Clerk

Meeting audio-recorded and videotaped